

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW KOTILA,

Plaintiff,

Case No. 1:22-cv-704

v.

Hon. Hala Y. Jarbou

CHARTER FINANCIAL PUBLISHING
NETWORK, Inc.,

Defendant.

ORDER

Defendant has defaulted in this action by failing to respond to the complaint. On May 12, 2023, the Court conditionally granted Plaintiff's motion to certify a class for purposes of ascertaining damages, but the Court required Plaintiff to provide more detail in his proposed class definition regarding the timing of Defendant's conduct and the nature of the information purportedly disclosed by Defendant (ECF No. 15). In response to that order, Plaintiff has provided a more detailed class definition (ECF No. 16), but that definition is unnecessarily complex and redundant. Also, it omits the requirement that Defendant's disclosure occurred without the class member's consent. The Court has an obligation to modify the proposed class definition if that definition is not adequate or accurate. *In re Whirlpool Corp. Front-Loading Prod. Liab. Litig.*, 302 F.R.D. 448, 462-63 (N.D. Ohio 2014). Accordingly,

IT IS ORDERED that the Court certifies the following class under Rule 23(b)(3) of the Federal Rules of Civil Procedure:

Plaintiff, as well as every other resident of Michigan who subscribed to any of Defendant's publications before July 31, 2016, and whose name together with the name of the publication(s) to which they subscribed were disclosed by Defendant (or an employee or agent of Defendant acting on Defendant's behalf) at any time

between April 25, 2016, and July 30, 2016, to any third party without the consent of the subscriber.

IT IS FURTHER ORDERED that Plaintiff is permitted to conduct discovery in accordance with the rules governing non-party witnesses so that Plaintiff can identify the class members for purposes of calculating damages. *See Allied Enters., Inc. v. Brillcast, Inc.*, No. 1:15-cv-749, 2015 WL 13122945, at *3 (W.D. Mich. Nov. 17, 2015) (permitting similar discovery in the context of a default).

IT IS FURTHER ORDERED that Plaintiff shall file his motion for default judgment by **August 16, 2023**.

Dated: June 5, 2023

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE